



**Town of Surfside
Special Town Commission Meeting**

AGENDA

May 22, 2018

6 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154**

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

2. Ordinances, Resolutions and Discussion Items

A. Cone of Silence Ordinance – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY AMENDING SECTION 3-17, “OPT OUT INVOKED” OF CHAPTER 3 “PURCHASING” TO IMPLEMENT A CONE OF SILENCE PROVISION FOR PROCUREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR EFFECTIVE DATE.

B. Lighting Regulations for Marine Turtle Protection – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY CREATING ARTICLE VI, “LIGHTING REGULATIONS FOR MARINE TURTLE PROTECTION” OF CHAPTER 34 “ENVIRONMENT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.

C. Update on Curb Enhancement at Abbott and 88 Street [Verbal]– Guillermo Olmedillo, Town Manager

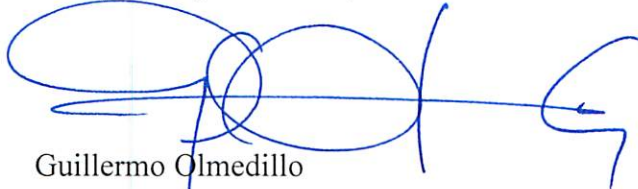
D. Update on “Share the Road Project” Safety and Walkability Proposal [Verbal]– Guillermo Olmedillo, Town Manager

E. Board and Committee Appointments [Verbal]– Sandra Novoa, MMC, Town Clerk

- *Design Review Board – At Large*
- *Tourist Board – Commissioner Barry Cohen*
- *Sustainability Subcommittee – Commissioner Karukin*

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Town of Surfside
9293 Harding Ave, 2nd Floor
Surfside, FL 33154

COMMISSION COMMUNICATION

Agenda Item # : 2A

Date: May 22, 2018

Subject: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY AMENDING SECTION 3-17, "OPT OUT INVOKED" OF CHAPTER 3 "PURCHASING" TO IMPLEMENT A CONE OF SILENCE PROVISION FOR PROCUREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.

Background:

At the April 10, 2018 Town Commission meeting, the Town Commission directed the preparation of an ordinance providing for a cone of silence applicable to the Town's competitive solicitation or procurement process ("Ordinance"). Currently, Chapter 3, Purchasing, of the Town Code, does not contain a cone of silence or any restrictions on communications between potential proposers and bidders and Town Commissioners and staff during the pendency of a solicitation. At first reading of the Ordinance on May 8, 2018, the Commission directed changes to the Ordinance as detailed below.

Analysis:

The attached Ordinance for second reading adopts a cone of silence process for Town solicitations and procurements of goods and services. The cone of silence will promote integrity, efficiency, fair competition and ease in the competitive solicitation and procurement process by prohibiting and regulation certain communications between a proposer or bidder and Town Commissioners and staff during the pendency of a solicitation and prior to award of a contract by the Town Commission. The attached Ordinance is similar to the cone of silence provisions contained in Miami-Dade County's Code Section 2.11.1(t).

As directed by the Town Commission at first reading on May 8, 2018, the attached Ordinance for second reading clarifies the definition of "Cone of Silence" in Section 3-17(a) to any competitive bid or solicitation for a purchase exceeding \$25,000 and clarifies in Section 3-17(d)(8) (Exemptions to applicability) that the cone of silence shall not apply to solicitations or

procurements that are exempt under Chapter 3, Purchasing, of the Town Code (such as emergency purchases, sole source and purchases made pursuant to other governmental contracts).

Budget Impact:

The Town will need to implement, notice and monitor compliance with the cone of silence requirements for each applicable solicitation thereby necessitating staff time and resources, including the Town Manager, Town Clerk and staff. Additionally, applicability and interpretation of the newly enacted cone of silence provision may require the advice and counsel of the Town Attorney to ensure compliance with the Ordinance.

Staff Impact:

Staff time and coordination by the Town Manager and Town Clerk to notice and ensure compliance with the cone of silence provisions of the Ordinance where applicable to solicitations.

Recommendation:

It is recommended that the Town Commission adopt the Ordinance on second reading, as revised, amending the Code to implement a cone of silence for the procurement process of goods or services for the Town.



Guillermo Olmedillo, Town Manager

34 of Surfside. The Town clerk is hereby instructed to provide a copy of this ordinance to the
35 Miami Dade County Ethics Commission.

36 **Section 3-17- Cone of silence.**

37 (a) Definition. "Cone of silence," as used herein, means a prohibition on any communication
38 regarding a competitive bid or solicitation for a purchase exceeding \$25,000.00, including
39 but not limited to, a particular request for proposal ("RFP"), request for qualification
40 ("RFQ"), request for expression of interest ("RFEI") or bid (hereinafter a "Solicitation"),
41 between:

42
43 (1) A potential respondent, vendor, service provider, proposer, bidder, lobbyist, or
44 consultant, and

45
46 (2) The Town commissioners, Town's staff including, but not limited to, the Town
47 Manager and his or her staff, any member of the Town's selection or evaluation
48 committee.

49
50 (b) Restriction; notice. A cone of silence shall be imposed upon each ~~RFP, RFQ and bid~~
51 Solicitation after the advertisement of said ~~RFP, RFQ and bid~~ Solicitation. At the time of
52 imposition of the cone of silence, the Town Manager or his or her designee shall provide
53 for public notice of the cone of silence by posting a notice at the Town hall and/or
54 electronically, and shall include in any public solicitation for goods or services a
55 statement disclosing the requirements of this section.

56
57 (c) Termination of cone of silence. The cone of silence shall terminate at the beginning of the
58 Town commission meeting at which the Town Manager makes his or her written
59 recommendation to the Town commission for award of a contract. However, if the Town
60 commission refers the Manager's recommendation back to the Manager or staff for further
61 review, the cone of silence shall be reimposed until such time as the Manager makes a
62 subsequent written recommendation.

63
64 (d) Exceptions to applicability. The provisions of this section shall not apply to:

65
66 (1) Oral communications at pre-bid conferences;

67
68 (2) Oral presentations before selection or evaluation committees;

69
70 (3) Public presentations made to the Town commissioners during any duly noticed public
71 meeting

72
73 (4) Written communications at any time with any Town employee, unless specifically
74 prohibited by the applicable ~~RFP, RFQ and bid~~ Solicitation documents. The

75 respondent, bidder or proposer shall file a copy of any written communication with the
76 Town Clerk. The Town Clerk shall make copies available to any person upon request;

77
78 (5) Written communications regarding a particular ~~RFP, RFO and bid~~ Solicitation
79 between a potential respondent, vendor, service provider, proposer, bidder, lobbyist or
80 consultant and the Town's purchasing agent or Town employee designated responsible
81 for administering the procurement process for such ~~RFP, RFO and bid~~ Solicitation,
82 provided the communication is limited strictly to matters of process or procedure
83 already contained in the corresponding solicitation document;

84
85 (6) Communications with the Town attorney and his or her staff;

86
87 (7) Duly noticed site visits to determine the competency of respondents regarding a
88 particular solicitation during the time period between the opening of solicitations and
89 the time the Town Manager makes his or her written recommendation;

90
91 (8) ~~Any emergency procurement of goods or services pursuant to the Town Code~~ Any
92 solicitation or procurement which is exempt from the competitive bidding procedures as set
93 forth in Sections 3-12 and 3-13 of this chapter;

94
95 (9) Responses to the Town's request for clarification or additional information;

96
97 (10) Contract negotiations during any duly noticed public meeting;

98
99 (11) Written communications to enable Town staff to seek and obtain industry comment
100 or perform market research, provided all communications related thereto between a
101 potential respondent, vendor, service provider, proposer, bidder, lobbyist, or
102 consultant and any member of the Town's professional staff including, but not limited
103 to, the Town Manager and his or her staff are in writing or are made at a duly noticed
104 public meeting;

105
106 (12) Unsolicited proposals or solicited proposals pursuant to a public-private partnership
107 with the Town in accordance with F.S. § 255.065, as amended from time to time,
108 including, but not limited to, contract negotiations between the Town staff,
109 consultants, and individuals or representatives of entities proposing a public-private
110 partnership.

111
112 (e) Penalties. Violation of this section by a particular respondent, bidder or proposer shall
113 render any ~~RFP, RFO and bid~~ Solicitation award to said respondent, bidder or proposer
114 voidable by the Town commission or Town Manager. Any person who violates a
115 provision of this section may be prohibited from serving on a Town selection or
116 evaluation committee. In addition to any other penalty provided herein, violation of any

117 provision of this section by a Town employee may subject said employee to disciplinary
118 action.

119

120 (f) Opt out invoked. It is hereby provided that the provisions of section 2-11.1(t) "Cone of
121 silence" of the Miami-Dade County Code shall not apply to the Town of Surfside. This
122 opt out provision shall prevail over any conflicting Town ordinance.

123

124 **Section 3. Severability.** That the provisions of this Ordinance are declared to be severable,
125 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
126 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
127 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
128 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

129 **Section 3. Codification.** It is the intent of the Town Commission that the provisions of
130 this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the
131 sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be
132 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to
133 accomplish such intentions.

134

135 **Section 4. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
136 resolutions, in conflict herewith, are repealed to the extent of such conflict.

137 **Section 5. Effective Date.** That this Ordinance shall be effective immediately upon
138 adoption on second reading.

139

140 **PASSED** on first reading on the 8th day of May, 2018.

141 **PASSED AND ADOPTED** on second reading on ____ day of June, 2018.

142 **On Final Reading Moved By:** _____

143 **On Final Reading Second By:** _____

144 **FINAL VOTE ON ADOPTION**

145 Commissioner Barry Cohen

146 Commissioner Michael Karukin _____

147 Commissioner Tina Paul _____

148 Vice Mayor Daniel Gielchinsky _____

149 Mayor Daniel Dietch _____

150

151

152

153

Daniel Dietch

154

Mayor

157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175

ATTEST:

Sandra Novoa, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Town of Surfside
9293 Harding Ave, 2nd Floor
Surfside, FL 33154

COMMISSION COMMUNICATION

Agenda Item # 2B

Date: May 8, 2018 / May 22, 2018

**Subject: Ordinance on Lighting Regulations for Marine Turtle Protection
Second Reading**

Background - At the March 13, 2018 Town Commission meeting, the Town Commission directed the preparation of an ordinance providing for the protection of marine turtles, including regulations on artificial lighting (“Ordinance”). First reading of the Ordinance occurred at the Commission meeting on April 10, 2018, with the Commission directing two changes to the Ordinance: (1) Section 34-83(1), Prohibited Activities, to prohibit at nighttime during nesting season, the operation of all motorized vehicles on the beach, except emergency and law enforcement and *emergency* beach maintenance vehicles; and (2) Section 34-84(b) Lighting Standards for Existing Development, to require compliance with lighting standards within 24 months of the effective date of the Ordinance.

Analysis - The Florida Department of Environmental Protection (“DEP”) and the Fish and Wildlife Conservation Commission (“FWC”) consider the proposed Ordinance to be minimum guidelines for the protection of nesting habitat, nesting females, and hatchling marine turtles from the negative effects of artificial lighting. The proposed Ordinance is consistent with recommended minimum guidelines established by DEP and FWC and consistent with Section 161.163, Florida Statutes. The responsibility for protecting nesting female and hatchling marine turtles is a joint responsibility of local government and the DEP. Local governments are encouraged by DEP to adopt, implement, and enforce the guidelines directed at protecting marine turtles along the local government’s beaches.

The proposed Ordinance establishes prohibited activities disruptive to marine turtles. The Ordinance also establishes lighting standards for new development within the line-of-sight of the beach. The Ordinance further addresses and establishes lighting standards for existing development within the line-of-sight of the beach and interfering with turtle nesting, and provides for a 24-month compliance period from the effective date of the ordinance or when existing development begins renovations exceeding 50% of the assessed value of the structure, as determined by the Building Official.

DEP has stated the importance of considering several issues when adopting such protections, including the following:

(a) Public Awareness. Any person submitting an application for coastal construction activities within the Town beaches or near the beaches should be informed of the existence of and requirements of the Ordinance upon its adoption to help raise awareness and ensure compliance.

(b) Local Government. Upon adoption of the Ordinance, a system of communication between the Town and DEP should be developed, if it does not already exist. Protection of marine turtle nesting habitat, nesting females, and hatchlings is greatly enhanced when local governments manage their beaches and coastal activities in a manner consistent with prudent marine turtle conservation strategies. DEP can assist local governments by providing conservation information and other technical assistance.

(c) Inter-Governmental Cooperation. Upon adoption of the Ordinance, the Town should develop a system for receiving copies of permits issued by FWC, the DEP, or the United States Army Corps of Engineers, for any coastal construction within the local government's jurisdiction. Activities permitted by these agencies should be assessed for compliance with the Town's Ordinance.

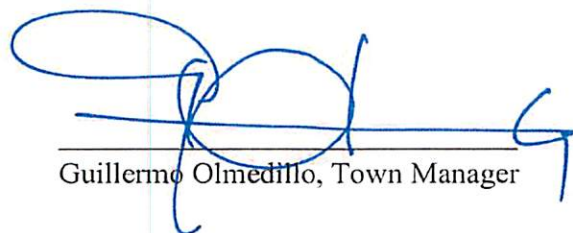
(d) Enforcement. Local governments should develop a process for the consistent and effective enforcement of adopted regulations. As written, the Ordinance proposes using Code Compliance staff and procedures, as contained within Chapter 15 of the Town's Code.

Budget Impact - The Town will need to implement, monitor and enforce compliance with the Ordinance, thereby necessitating staff time and resources. Public awareness and an education campaign is also needed and will require expenditure of funds for such purposes.

Initial budget impact is calculated at \$1,000 per month for the first six months.

Staff Impact - Use of Building and Code Compliance staff.

Recommendation - It is recommended that the Town Commission adopt the Ordinance on second reading, with the changes directed by the Commission at first reading on April 10, 2018, amending the Code to implement lighting regulations for marine turtle protection as recommended by DEP and FWC.



Guillermo Olmedillo, Town Manager

79 *County* means Miami-Dade County.

80

81 *Cumulatively illuminated* means illuminated by numerous artificial light sources that as a
82 group illuminate any portion of the beach.

83

84 *Directly illuminated* means illuminated as a result of glowing elements, lamps, globes, or
85 reflectors of an artificial light source that is visible to an observer standing anywhere on the
86 beach.

87

88 *Dune* means a mound or ridge of loose sediments, usually sand-sized, lying landward of
89 the beach and deposited by any natural or artificial mechanism.

90

91 *Existing development* means any development for which a certificate of use or occupancy
92 has been issued or for development activity for which a building permit has been issued and
93 work has been substantially completed at the time of the effective date of this article.

94

95 *Filmed glass* means window glass that has been covered with a film such that the
96 material has a shading coefficient of 45 percent or less, adhesive as an integral part, and has
97 performance claims that are supported by approved testing procedures and documentation.

98

99 *Frontal dune* means the first natural or artificial mound or bluff of sand that is located
100 landward of the beach and that has sufficient vegetation, height, continuity and configuration to
101 offer protective value.

102

103 *Ground-level barrier* means any vegetation, natural feature or artificial structure rising
104 from the ground that prevents beachfront lighting from shining directly onto the beach-dune
105 system.

106

107 *Hatchling* means any species of marine turtle, within or outside of a nest, which has
108 recently hatched from an egg.

109

110 *Indirectly illuminated* means illuminated as a result of glowing elements, lamps, globes,
111 or reflectors of an artificial light source that is not visible to an observer standing anywhere on
112 the beach.

113

114 *Marine turtle* means any marine-dwelling reptile of the families Cheloniidae or
115 Dermochelyidae found in Florida waters or using the beach as a nesting habitat, including the
116 species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea*
117 (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kemp* (Kemp's ridley). For
118 purposes of this section, marine turtle is synonymous with sea turtle.

119

120 *Nest* means an area where marine turtle eggs have been naturally deposited or
121 subsequently relocated.

122

123 *Nesting season* means the period from May 1 through October 31 of each year.

124

125 *New development* means new construction which has not been permitted or for
126 development activity for which a building permit has been issued and work has not been
127 substantially completed at the time of the effective date of this article.

128
129 *Nighttime* means the time period between 10:00 pm and 5:00 am within the Town limits
130 of Surfside.

131
132 *Person* means individuals, firms, associations, joint ventures, partnerships, estates, trusts,
133 syndicates, fiduciaries, corporations, and all other groups or combinations.

134
135 *Tinted glass* means any glass treated to achieve an industry-approved inside-to-outside
136 light transmittal value of 45 percent or less. Such transmittance is limited to the visible spectrum
137 (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through
138 the glass.

139
140 **Sec. 34-83. Prohibited Activities Disruptive to Marine Turtles.**

141
142 *Prohibited activities.* The following activities involving direct illumination of portions of the
143 beach are prohibited on the beach at nighttime during the nesting season for the protection of
144 nesting marine turtle females, nests and hatchlings:

- 145
146 (1) The operation of all motorized vehicles, except emergency and law
147 enforcement, or emergency beach maintenance vehicles or those permitted on the
148 beach for marine turtle's conservation and/or research.
149
150 (2) The building of campfires or bonfires.
151
152 (3) Fireworks displays, except those that have Town special event permits and, if
153 applicable, a Florida Department of Environmental Protection ("DEP") permit;
154 however, nothing in this article shall prohibit the Town's July 4th fireworks
155 display.
156
157 (4) Special events pursuant to Chapter 35, Article 1, of the Town Code, unless
158 allowed first by permit issued by the Florida Department of Environmental
159 Protection.

160
161 **Sec. 34-84. Lighting Standards for Coastal Construction Activities.**

162
163 (a) *Lighting standards for new development.* It is the policy of the Town of Surfside that no
164 artificial light shall illuminate within direct line-of-sight of the beach that has potential to
165 interfere with turtle nesting. To meet this intent, new development construction within line-of-
166 sight of the beach shall comply with the following:

- 167
168 (1) Exterior artificial light fixtures shall be designed and positioned so that:
169
170 (a) The point source of light or any reflective surface of the light fixture
171 is not directly visible from the beach;

172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217

(b) Areas seaward of the frontal dune are not directly or indirectly illuminated; and

(c) Areas seaward of the frontal dune are not cumulatively illuminated.

(2) Exterior artificial light fixtures within direct line-of-sight of the beach are considered appropriately designed if:

(a) Completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e., 50 watts or less) bug type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with subsection (1)(a), (b), and (c) above; and

(b) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures.

(3) Floodlights, uplights or spotlights for decorative and accent purposes that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, shall not be used.

(4) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are preferred.

(5) Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:

(a) Set on a base which raises the source of light no higher than 48 inches off the ground or higher if necessary to conform with life safety codes; and

(b) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.

(6) Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operated, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.

(7) Vehicular lighting, parking area lighting, and roadways lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short-or long-term damage to the beach/dune system.

218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264

(8) Tinted glass shall be installed on all windows and glass doors of single and multi-story structures within line-of-sight of the beach.

(9) Use of appropriately shielded low pressure sodium vapor lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.

(10) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.

(11) Properties that abut the beach which have signage facing the beach or in the line-of-sight of the beach, including building identification signs, shall not be illuminated during the nighttime hours of the nesting season. Properties that face the beach but do not abut the beach which have signage visible from the beach shall be properly shielded with downward facing fixtures where the chosen background does not reflect the light source and signs that are lit internally must illuminate only the text and have the appropriate shielding, and not reflect the light source.

(b) *Lighting standards for existing development.* It is the policy of the Town of Surfside that no artificial light shall illuminate any area within direct line-of-sight of the beach that has the potential to interfere with turtle nesting. To meet this intent, within twenty-four (24) ~~forty-eight (48)~~ months of the effective date of this article or when an existing development has begun renovations exceeding fifty percent (50%) of the tax assessed value of the structure as determined by the building official, an existing development shall be in compliance with the following:

(1) Existing artificial light fixtures shall be repositioned, modified, or removed so that:

(a) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

(b) Areas seaward of the frontal dune are not directly or indirectly illuminated; and

(c) Areas seaward of the frontal dune are not cumulatively illuminated.

(2) The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:

(a) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;

(b) Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;

265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311

- (c) Replace traditional light bulbs with bug type bulbs not exceeding 50 watts or any alternative lighting source as defined herein;
- (d) Replace nondirectional fixtures with directional fixtures that point down and away from the beach;
- (e) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (f) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (g) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application or an alternative lighting source;
- (h) Plan or improve vegetation buffers between the light source and the beach to screen light from the beach;
- (i) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach-dune system;
- (j) Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.

(3) Properties that abut the beach which have signage facing the beach or in the line-of-sight of the beach, including building identification signs, shall not be illuminated during the nighttime hours of the nesting season. Properties that face the beach but do not abut the beach which have signage visible from the beach shall be properly shielded with downward facing fixtures where the chosen background does not reflect the light source and signs that are lit internally must illuminate only the text and have the appropriate shielding, and not reflect the light source.

(4) One or more of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of- sight of the beach:

- (a) Apply window tint or film that meets the standards in the definition of "Tinted or Filmed glass";

- 312 (b) Rearrange lamps and other moveable fixtures away from windows;
- 313
- 314 (c) Use window treatments (e.g., blinds, curtains) to shield interior lights
- 315 from the Beach; and/or
- 316
- 317 (d) Turn off unnecessary lights.
- 318

319 **Sec. 34--85. Other Codes and Provisions.**

- 320
- 321 (a) To the extent these standards conflict with life safety codes or other codes having life safety
- 322 provisions, the provisions of this Article shall not supersede those specific life safety provisions.
- 323
- 324 (b) New or existing development which has secured a Coastal Construction Line Permit or Joint
- 325 Coastal Permit from the Department of Environmental Protection which includes a lighting
- 326 review for marine turtle protection will be deemed to have complied with the provisions of this
- 327 Article.
- 328
- 329 (c) Publicly-owned lighting which includes, but is not limited to, street lights, park lights,
- 330 publicly-owned facility lights and walkway lights shall be shielded or shaded to the extent the
- 331 lights are determined by the Town not to be necessary for public safety purposes.
- 332

333 **Sec. 34-86. Enforcement and Penalties.**

334

335 The provisions of this article shall be enforced pursuant to Article 1, Chapter 15, of this

336 Code and by any other means permitted by law. In addition, the enforcing agency may notify the

337 property owner or other person responsible for lighting or management of the property, in

338 writing, that an external lighting source causing a violation may be removed by the Town. The

339 Town shall recover from the property owner the costs of removal of external lighting sources

340 causing violations, which shall constitute a lien against the property and shall be reimbursed to

341 the Town at time of sale of the property or upon any lien foreclosure action. Said lien shall have

342 the same priority as a lien for real estate taxes.

343

344 **Section 3. Severability.** That the provisions of this Ordinance are declared to be severable,

345 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be

346 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

347 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the

348 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

349 **Section 4. Codification.** It is the intent of the Town Commission that the provisions of

350 this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the

351 sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be

352 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to

353 accomplish such intentions.

354

355 **Section 3. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of

356 resolutions, in conflict herewith, are repealed to the extent of such conflict.

357 **Section 5. Effective Date.** That this Ordinance shall be effective immediately upon
358 adoption on second reading.

359
360 **PASSED** on first reading on the 10^h day of April, 2018.

361 **PASSED AND ADOPTED** on second reading on 8th day of May, 2018.

362 **On Final Reading Moved By:** _____

363 **On Final Reading Second By:** _____

364 **FINAL VOTE ON ADOPTION**

365 Commissioner Barry Cohen _____
366 Commissioner Michael Karukin _____
367 Commissioner Tina Paul _____
368 Vice Mayor Daniel Gielchinsky _____
369 Mayor Daniel Dietch _____

370

371

372

373 _____
Daniel Dietch
374 Mayor

375 **ATTEST:**

376

377

378 _____

379 Sandra Novoa, MMC
380 Town Clerk

381

382 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
383 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

384

385

386 _____

387 Weiss Serota Helfman Cole & Bierman, P.L.
388 Town Attorney